

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEVIN BROOKS,

Case No. 2:19-cv-01719-APG-EJY

Petitioner,

V.

ORDER

BRIAN WILLIAMS, et. al,

Respondents.

Petitioner Kevin Brooks has filed an application to proceed *in forma pauperis* and a habeas petition. ECF Nos. 1, 3.

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Brooks has not complied with either requirement, so the application is incomplete.

The application for leave to proceed *in forma pauperis* will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application on the proper form with all required attachments.

I THEREFORE ORDER that the application to proceed *in forma pauperis* (**ECF No. 3**) is **DENIED** and that this action is **DISMISSED** without prejudice to the filing of a new petition in a new action with a properly completed pauper application.

I FURTHER ORDER that a certificate of appealability is DENIED, as jurists of reason would not find my dismissal of this improperly commenced action to be debatable or incorrect.

I FURTHER ORDER that the Clerk shall send petitioner two copies each of an application form to proceed in forma pauperis for incarcerated persons and a noncapital Section

1 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
2 that he submitted in this action.

3 I FURTHER ORDER that the Clerk shall enter judgment accordingly and close this case.

4 Dated: October 18, 2019.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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